

REMARKS

Claims 1 – 6, and 9 – 11 have been rejected as unpatentable over Stone et al. under 35 U.S.C. 102(e) based not on factual disclosure contained within the patent but instead on over reaching generalities asserted in the "SUMMARY" contained in columns 3 and 4 of the printed patent. Applicants respectfully traverse the rejection on the grounds that the presently claimed invention is materially different from, and clearly distinguishable from, the Stone et al. invention.

Specifically, the Stone et al. invention relates to a system that allows sellers to present their inventory, products, goods and services in a choice of one of a variety of supported media outlets: e.g., in print, such as newspapers, magazines, periodicals, guidebooks, catalogs, brochures, fliers, and directories; in electronic form, such as online directories, web sites, bulletin boards, news groups, CD-ROMs, and interactive media and networks; and in other media, such as billboards, skywriters, bus benches, radio, interactive kiosk and any other form of customer outreach or information distribution. When particular media choices are made, the system prompts the seller for information that is then used in the creation of presentations for the media outlets he has chosen. The Presentation Rules Database holds all the criteria, formatting architecture, and distribution factors for each participating media outlet. The system's Presentation Generation Program, along with the Presentation Rules Database, then creates a presentation for each and every media outlet the seller has chosen. The Presentation Generation Program then either transmits the presentation to the appropriate destination or holds it for publication at a particular deadline or predetermined promotional market.

The system allows the Seller to update, change, control inventory, and automatically process sales either from his in-house or third party accounting or management software that has a compatible communication component with the system. He can accomplish this updating and inventory control to all media outlets simultaneously.

The system also allows for the creation of presentations for the commerce of products, goods and services for any and all size of business; the accessibility of those presentations to a vast population of the buying public both in print, electronic, interactive electronic, and other media; the sale, reservation, and purchasing of those products, goods and services; the confirmation of these purchases and reservations through a Network ID or confirmation system; and the management of inventory control through multiple media outlets while saving resources of processing, transmission, and communications.

The system further allows for the creation of presentations that comply with the design and architectural requirements of any and all participating media. This is applicable to all media either in print, such as newspapers, magazines, advertisements, guidebooks, directories, fliers, and brochures; and electronic media, such as online directories and malls, web sites, bulletin boards, news groups, CD-ROMS, and interactive media and networks, and other media, such as billboards, skywriters, bus benches, radio, interactive kiosk, and any other form of customer advertising, outreach, or information distribution. These presentations can be updated for either presentation content or inventory control in near real time, by either manual or automatic means, via electronic message units from third-party management or inventory control software. Electronic presentations created can be

either static open-access or database driven dynamic server presentations. Where appropriate, these presentations allow for the sale of products, goods, or services and for the making of payments by buyers. Inventory adjustments for production, sales, and other reasons are made in near real time, allowing for an accurate presentation of availability of inventory to buyers. The invention further allows for lower cost to management when used with all media outlets by creating a self-serve, automated billing environment for the seller's creation and display of presentations.

The Stone et al. system can perhaps be appreciated from the language of its claim 1 wherein the invention is defined as "A method of using a network of computers to contract for, facilitate and control the creating and publishing of presentations, by a seller, to a plurality of media venues owned or controlled by other than the seller, comprising:

- a) providing a media database having a list of available media venues;
- b) providing means for applying corresponding guidelines of the media venues;
- c) providing means for transmitting said presentations to a selected media venue of the media venues;
- d) providing means for a seller to select the media venues; and
- e) providing means for the seller to input information;

whereby the seller may select one or more of the media venues, create a presentation that complies with said guidelines of the media venues selected, and transmit the presentation to the selected media venues for publication.

Although the Stone et al. patent appears on first impression to be all encompassing when it comes to an internet based system for facilitating commercial

transactions between buyers and sellers, it does not in fact disclose the more narrow invention described and claimed by Applicants in the present application.

More specifically, Applicants invention as recited in amended claim 1 is directed to "A system for scheduling the distribution and play of advertising content on remote devices utilizing a network, comprising:

- a) a database for storing advertising content;
- b) a server coupled to the database, the server being capable of receiving input preferences relating to play scheduling parameters selected from the group consisting of: frequency, interval, time of play, trigger events, and category filtering;
- c) a scheduling algorithm executed on the server for generating scheduling data utilizing the input preferences, the scheduling algorithm being based on predetermined methods of processing the input preferences; and
- d) a network [coupled between the database and the server] for distributing the advertising content and the scheduling data to a plurality of output devices.

Nowhere in Stone et al. does the patent disclose or even suggest the use of a scheduling algorithm responsive to input preferences relating to play scheduling parameters selected from the group consisting of frequency, interval, time of play, trigger events, and category filtering, and operative to generate scheduling data for

transmission to a plurality of output servers and/or advertising content display devices for controlling the scheduling of the play of certain advertising content. It is submitted that claim 1 is thus not anticipated by Stone et al., and is thus patentable thereover. Similarly, since claims 2 – 6 and 9 – 11 all depend from and further limit claim 1, they are likewise patentable.

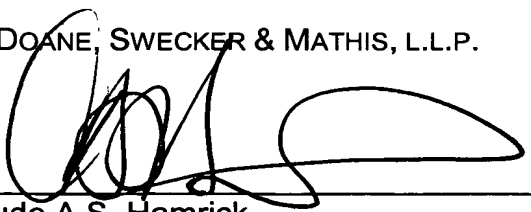
Claims 7, 8 and 12 have been rejected as "unpatentable over Stones in view of "Official Notice."" To the extent that this rejection is understandable, and assuming that "Stones" was intended to mean Stone et al., Applicant submits that the rejection is improper in that since parent claim 1 was not rejected as obvious in view of Stone et al., and since claims 7, 8, and 12 all depend from and further limit the unobvious claim 1, such claims are also unobvious and thus patentable notwithstanding any alleged "Official Notice".

Accordingly, Applicants submit that the application is now in condition for allowance and an early notice thereof is solicited.

Respectfully submitted,

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Date: January 3, 2005

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